

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Cellular Service and Other Commercial) WT Docket No. 97-112
Mobile Radio Services in the Gulf of Mexico)
)
Amendment of Part 22 of the Commission's) CC Docket No. 90-6
Rules to Provide for Filing and Processing of)
Applications for Unserved Areas in the)
Cellular Service and to Modify other)
Cellular Rules)

To: The Commission

REPLY COMMENTS OF DOBSON CELLULAR SYSTEMS, INC.

Dobson Cellular Systems, Inc. ("Dobson") hereby submits a brief reply in support of comments submitted by ALLTEL Corporation, ("ALLTEL"), GTE Service Corporation ("GTE") BellSouth Corporation ("BellSouth") and SBC Wireless Inc. in the above-captioned proceeding.¹ Dobson operates in a number of rural and suburban cellular markets, including a rural market that abuts the Gulf of Mexico ("Gulf"). Dobson's experience in providing service to its customers in land areas along the Gulf coast, like that of other cellular carriers, underscores the shortcomings of the Commission's current rules. As discussed herein, Dobson, like other

¹ Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, WT Docket No. 97-112, Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, CC Docket No. 90-6, Second Further Notice of Proposed Rulemaking, 12 FCC Rcd. 4516 (1997) ("NPRM").

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cellular carriers, generally supports the ALLTEL proposal to allow contour extensions in the Coastal Zone by land and Gulf-based carriers.

Dobson is the non-wireline cellular licensee for the Texas 16 - Burleson RSA market, which abuts the Gulf.² In Dobson's experience, the current rules have significantly restricted its ability to provide reliable service to its land-based Gulf coast customers. While Dobson has been able to avoid some of the difficulties that have adversely affected other land-based cellular licensees to date, the comments in this proceeding accurately reflect the serious difficulties confronting land-based carriers in providing service to coastal areas.³ When a Gulf-based carrier's SAB contour is not violated, there is simply no public interest justification for giving an adjacent co-channel Gulf carrier the unilateral authority to preclude a land-based carrier from expanding its own SAB contour a minimal distance offshore to provide more reliable service to its own customers. Under the current rules, however, this is exactly what is happening.

Based on this experience, Dobson agrees with other land-based cellular licensees providing service in the area surrounding the Gulf that the Commission's current rules do not

² The Dobson affiliate that holds cellular license KNKN657 is Dobson Cellular Systems, Inc.

³ In 1998, in the Texas 16 - Burleson RSA, Dobson determined that it needed to deploy an additional cell site several miles inland to more reliably serve its land-based customers. In order to do so, however, it needed to obtain the advance consent of the Gulf-based carrier (PetroCom), notwithstanding the fact that the resulting contour extended only a minor distance into the Gulf; that there was never an issue of PetroCom customers being affected; and the site was essential to serving Dobson's land-based customers *several miles inland*. Dobson obtained the consent of PetroCom to serve this area, and while Dobson appreciated PetroCom's willingness to accommodate Dobson, the end result was not, in Dobson's view, an optimal engineering solution for Dobson's land-based customers. While Dobson, thus far, has fortuitously been able to engineer its network to avoid the Gulf's offshore areas, there is no guarantee that this will remain the case, as demographics and traffic patterns in the market continue to evolve and service requirements change.

promote the provision of ubiquitous, reliable land-based service in Gulf coastal areas.⁴ Dobson believes that ALLTEL's proposal will provide a more effective solution to the problems that have plagued service in Gulf coastal areas than that proposed by the Commission in the *NPRM*.⁵ Moreover, Dobson submits that the ALLTEL proposal is also fair to Gulf-based licensees, in that it provides them flexible service rights throughout the Gulf, including the proposed Exclusive and Coastal Zones. Indeed, it is Dobson's experience that, at least as to its own market along the Gulf, restricting land- and Gulf-based carriers' operations in the Coastal Zone as ALLTEL proposes would have little practical impact on the latter's operations. Importantly, ALLTEL's proposal would enable carriers like Dobson greater flexibility in deploying their networks to better serve land-based customers, without the added uncertainty -- and transactional and engineering costs -- associated with the current regime.

The Commission's current cellular licensing rules clearly need to be amended to facilitate the provision of reliable service to land-based customers in the Gulf coastal area. As numerous commenters demonstrate, the rules proposed by the Commission will not further this objective. In addition to facilitating the provision of more reliable service throughout the land-based operator's service area, adoption of ALLTEL's proposal will help minimize licensing disputes between the land-based and Gulf-based carriers and will promote public safety in coastal areas, while addressing the mandate of the District of Columbia Circuit Court of Appeals. The public interest is best served by enabling land-based carriers, like Dobson, to operate effectively and reliably within their authorized licensed areas, and adoption of the ALLTEL proposal would promote this objective.

⁴ See Comments of ALLTEL, GTE, and BellSouth.

⁵ See ALLTEL Comments at 9.

CONCLUSION

For the foregoing reasons, Dobson urges the Commission to amend its rules to allow land-based cellular carriers to extend their service area contours into the Gulf to facilitate the deployment of more reliable land-based service. Adoption of the ALLTEL proposal appears the best means of achieving this objective submitted thus far in the instant proceeding, and Dobson urges its adoption.

Respectfully submitted,

DOBSON CELLULAR SYSTEMS, INC.

By:

A handwritten signature in cursive script, appearing to read "Timothy J. Duffy".

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May 30, 2000